

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	GRANT NUMBER (FAIN): 98247701		DATE OF AWARD 03/17/2005	
		MODIFICATION NUMBER: 3		MAILING DATE 03/18/2005	
		PROGRAM CODE: V			
		TYPE OF ACTION No Cost Amendment		PAYMENT METHOD: Reimbursement	
RECIPIENT TYPE: Indian Tribe		Send Payment Request to: Financial Management Branch			
RECIPIENT: Saint Regis Mohawk Tribe 412 State Route 37 Akwasasne, NY 13655 EIN: 16-1007650		PAYEE: Saint Regis Mohawk Tribe 412 State Route 37 Akwasasne, NY 13655			
PROJECT MANAGER Ken Jock 412 State Route 37 Akwasasne, NY 13655 E-Mail: Phone: 518-358-5937		EPA PROJECT OFFICER Joel Singerman 290 Broadway, ERRD/NYRB/CNYR New York, NY 10007-1866 E-Mail: Singerman.Joel@epamail.epa.gov Phone: 212-637-4258		EPA GRANT SPECIALIST Yvette MarCardona Grants & Contracts Mgt. Branch, OPM/GCMB E-Mail: MarCardona.Yvette@epamail.epa.gov Phone: 212-637-3409	
PROJECT TITLE AND EXPLANATION OF CHANGES SRMT - REYNOLDS METALS SUPERFUND SITE Time Extension (Amendment); The Cooperative Agreement is revised as follows: the project/budget period expiration dates are extended to December 31, 2005; and, the Terms and Conditions are revised. There is no increase in Federal funds.					
BUDGET PERIOD 10/01/2001 - 12/31/2005		PROJECT PERIOD 10/01/2001 - 12/31/2005		TOTAL BUDGET PERIOD COST \$103,931.00	
				TOTAL PROJECT PERIOD COST \$103,931.00	
NOTICE OF AWARD					
Based on your Application dated 11/29/2004 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$0. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$103,931. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866			ORGANIZATION / ADDRESS U.S. EPA, Region 2 Emergency and Remedial Response Division 290 Broadway New York, NY 10007-1866		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
Digital signature applied by EPA Award Official Roch Baamonde - Grants Management Officer					DATE 03/17/2005

EPA Funding Information

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 103,931	\$ 0	\$ 103,931
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$ 0	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 103,931	\$ 0	\$ 103,931

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.802 - Superfund State Political Subdivision and Indian Tribe Site Specific Cooperative Agreements	CERCLA: Sec. 104(d)(1)	40 CFR PTS 31 & 35 SUBPT O

[illegible]

Budget Summary Page: REYNOLDS METALS SITE

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$25,750
2. Fringe Benefits	\$9,469
3. Travel	\$4,600
4. Equipment	\$4,500
5. Supplies	\$6,500
6. Contractual	\$39,250
7. Construction	\$0
8. Other	\$7,500
9. Total Direct Charges	\$97,569
10. Indirect Costs: % Base	\$6,362
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$103,931
12. Total Approved Assistance Amount	\$103,931
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$
15. Total EPA Amount Awarded To Date	\$

CONSOLIDATED TABLE OF ACTIVITIES

Table B - Program Element Classification (Non-construction)	Total Approved Allowable Budget Period Cost
1. SUPPORT AGENCY ASSISTANCE	\$
2. - REMEDIAL ACTION	\$96,617
3. - REMEDIAL DESIGN	\$7,314
4.	\$
5.	\$
6.	\$
7. MATCH	\$0
8.	\$
9.	\$
10.	\$
11. Total (Share: Recip <u>0.00</u> % Fed <u>100.00</u> %)	\$103,931
12. Total Approved Assistance Amount	\$103,931

Administrative Conditions

a. GENERAL CONDITION

The recipient covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this agreement, in accordance with all applicable provisions of 40 CFR Chapter 1, Subchapter B. The recipient warrants, represents, and agrees that it, and all its contractors, employees and representatives, will comply with all applicable provisions of 40 CFR Chapter 1, Subchapter B, INCLUDING BUT NOT LIMITED TO the provisions of 40 CFR Part 35 Subpart O.

b. TERMS AND CONDITIONS

All Terms and Conditions included in the original Agreement No. V98247701-0, as revised in Amendment No. 2, remain in effect and are incorporated by reference herein, with the following exceptions:

Condition No. 11, "LOBBYING AND LITIGATION CERTIFICATION," is hereby deleted and is replaced with the following updated version:

11. LOBBYING AND LITIGATION CERTIFICATE

Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, within 90 days after the end of project period.

The recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States. Any Part 30 recipient shall abide by its respective OMB Circular (A-21 or A-122), which prohibits the use of Federal grant funds to participate in various forms of lobbying or other political activities.

Condition No. 15, "DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS," is hereby deleted and is replaced with the following updated version:

15. DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS

The recipient agrees to follow the six affirmative steps stated in 40 CFR 31.36(e), 35.3145(d), 30.44(b) or 35.6580, as appropriate, and to require its prime contractor to follow these affirmative steps if it awards subcontracts; the recipient also agrees to retain records documenting compliance.

The six affirmative steps contained in 40CFR 31.36(e) are as follows:

- (i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (ii) Assuring that small and minority businesses, and women's business enterprises are solicited

whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in i-v above

The recipient agrees to submit an EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. These reports must be submitted to Otto Salamon, the Region 2 MBE/WBE Coordinator, Grants and Contracts Management Branch, 290 Broadway, New York, New York 10007 within 30 days of the end of the Federal fiscal quarter (January 30, April 30, July 30 and October 30). For assistance awards for continuing environmental programs, the recipient agrees to submit an EPA Form 5700-52A to the MBE/WBE Coordinator by October 30 each year.

In accordance with Section 129 of Public Law 100-590, the Small Business Administration and Reauthorization and Amendment Act of 1988, the recipient agrees to utilize and to encourage any prime contractors under the assistance agreement to utilize small businesses located in rural areas to the maximum extent possible through the use of the six affirmative steps.

Condition No. 16, "INDIRECT COSTS," is hereby deleted and is replaced with the following updated version:

16. INDIRECT COSTS-INDIAN TRIBAL GOVERNMENTS

Pursuant to OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments," Indian tribal government recipients that do not have a previously established indirect cost rate must submit their indirect cost rate proposals to:

National Business Center
Indirect Cost Services
U.S. Department of the Interior
2180 Harvard Street, Suite 430
Sacramento, CA 95815-3317

NOTE: Condition 20, "LIMITATION ON CHARGING COSTS-OVERDUE FINANCIAL STATUS REPORT" has been satisfied and is therefore deleted by reference from your cooperative agreement.